

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	20cv10812 (DLC)
-v-	:	18cv3372 (DLC)
	:	08cr124 (DLC)
JOSEPH JORDAN,	:	
	:	<u>ORDER</u>
Defendant.	:	
	:	
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DENISE COTE, District Judge:

On August 4, 2020, Joseph Jordan filed a motion under Rule 60(b), Fed R. Civ. P. In that motion, he sought reconsideration of this Court's August 2019 denial of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255. Jordan's Rule 60(b) motion was denied in an opinion dated December 21, 2020 (the "December 21, 2020 Opinion").

Separately, on December 16, 2019, Jordan filed a pro se motion for return of property on his criminal case docket (docket number 08-cr-124), and on August 4, 2020, Jordan renewed that motion on the docket for his petition for a writ of habeas corpus (docket number 18-cv-3372). On December 21, 2020, the Clerk of Court was ordered by this Court to assign a civil docket number to his motions for return of property. That day, the Clerk of Court entered the motions for return of property, as well as the Rule 60(b) motion that was denied in the December 21, 2020 Opinion, on a new civil docket (docket number 20-cv-

10812). On January 20, 2021, in an order entered on docket number 20-cv-10812, Jordan was ordered to pay the filing fee or request authorization to proceed in forma pauperis in his civil action for return of property (the "January 20, 2021 Order").

Jordan has now filed a series of submissions styled as a "Renewed Motion for Appointment of Counsel," "Notice of Objections Regarding Section 2255 Proceedings," and "Notice of, and Motion to Correct, Misfiling and Motion To Proceed Under Rule 60(b) in Sec. 2255 Case."¹ In this series of submissions, Jordan primarily argues that this Court erroneously opened a new civil docket, No. 20-cv-10812, for consideration of his Rule 60(b) motion, and incorrectly seeks a filing fee before considering the Rule 60(b) motion.

Jordan's argument is mistaken. This Court has already considered Jordan's Rule 60(b) motion and rejected it as untimely in the December 21, 2020 Opinion. The new civil docket, No. 20-cv-10812, was opened for consideration of Jordan's motion for return of property. The filing fee requested in the January 20, 2021 Order applies to the consideration of Jordan's motion for return of property, not the Rule 60(b) motion. If Jordan wishes to proceed with his motion

¹ Jordan's motion was filed on docket number 08-cr-124 on February 2, 2021, and on docket number 18-cv-03372 on February 23, 2021. It has not been filed on docket number 20-cv-10812.


for return of property, he must submit the required \$402.00 filing fee or submit an in forma pauperis application and associated prisoner authorization form under docket number 20-cv-10812 (DLC) by March 8, 2021. Accordingly, it is hereby

ORDERED that the motions, docketed on February 2, 2021 in 08-cr-124 and on February 23, 2021 in 18-cv-3372, are denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Jordan a copy of this Order and note mailing on the docket.

SO ORDERED:

Dated: New York, New York
February 23, 2021



DENISE COTE
United States District Judge